

Introduced by Senator Monning

February 16, 2016

An act to amend Sections 67100 and 67102 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1059, as introduced, Monning. Postsecondary education: Title 38 awards.

Title 38 of the United States Code provides educational awards for eligible active duty members and veterans of the Armed Forces of the United States. Existing law requires an institution headquartered or operating in California desiring to enroll students eligible for federal Title 38 awards in accredited courses to make application for approval of these courses to the California State Approving Agency for Veterans Education, commonly known as CSAAVE, and authorizes CSAAVE to approve the application of the school when the school and its accredited courses satisfy the specified criteria and any additional reasonable criteria established by CSAAVE.

This bill would include as a qualifying institution for federal Title 38 awards, an institution that has been accredited by the Committee of Bar Examiners.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 67100 of the Education Code is amended
- 2 to read:
- 3 67100. The Legislature finds and declares the following:

(a) ~~Section~~ *Sections 21.4253 and 21.4254* of Title 38 of the Code of Federal Regulations ~~requires~~ *require* a postsecondary educational institution headquartered or operating in California desiring to enroll veterans or persons eligible for Title 38 awards in accredited *and nonaccredited* institutions and programs to make application for approval of these courses to the California State Approving Agency for Veterans Education, commonly known as CSAAVE, as the state approving agency legally designated pursuant to Section 3671 of Subchapter I of Chapter 36 of Title 38 of the United States Code.

(b) ~~Section~~ *Sections 21.4253 authorizes and 21.4254 authorize* CSAAVE to approve the application of the accredited *and nonaccredited* institutions when the school and its accredited *and nonaccredited* courses satisfy the criteria provided in ~~Section~~ *Sections 21.4253 and 21.4254* and additional reasonable criteria established by CSAAVE.

(c) It is reasonable pursuant to ~~Section~~ *Sections 21.4253 and 21.4254* for CSAAVE to require a postsecondary educational institution, public or private, to obtain accreditation for its degree programs, to comply with all federal and state laws and regulations, and to comply with any additional reasonable criteria established by CSAAVE. It is reasonable pursuant to ~~Section~~ *Sections 21.4253 and 21.4254* for CSAAVE to require a private postsecondary institution to be issued an approval to operate from the Bureau for Private Postsecondary Education.

SEC. 2. Section 67102 of the Education Code is amended to read:

67102. As used in this chapter, the following terms have the following meanings:

(a) An “academic year” is July 1 to June 30, inclusive. The starting date of a session shall determine the academic year in which it is included.

(b) “CSAAVE” is the California State Approving Agency for Veterans Education.

(c) (1) “Qualifying institution” means a degree-granting institution that complies with paragraphs (2), (3), and (4), or a nondegree-granting institution that complies with paragraphs (2) and (4).

(2) (A) The institution shall provide information on where to access California license examination passage rates for the most

1 recent available year from graduates of its undergraduate programs
2 leading to employment for which passage of a California licensing
3 examination is required, if that data is electronically available
4 through the Internet Web site of a California licensing or regulatory
5 agency. For purposes of this paragraph, “provide” may exclusively
6 include placement of an Internet Web site address labeled as an
7 access point for the data on the passage rates of recent program
8 graduates on the Internet Web site where enrollment information
9 is also located, on an Internet Web site that provides centralized
10 admissions information for postsecondary educational systems
11 with multiple campuses, or on applications for enrollment or other
12 program information distributed to prospective students.

13 (B) The institution shall be responsible for certifying to
14 CSAAVE compliance with the requirements of subparagraph (A).

15 (3) (A) A degree-granting institution shall provide evidence of
16 accreditation of the institution and of all degree programs to
17 CSAAVE. The accrediting agency shall be recognized by the
18 United States Department of Education. An unaccredited
19 degree-granting institution participating in the Title 38 award
20 program on January 1, 2015, shall satisfy both of the following to
21 remain eligible to receive Title 38 awards:

22 (i) The institution shall obtain and provide evidence to CSAAVE
23 of its candidacy or preaccreditation status, with an accrediting
24 agency recognized by the United States Department of Education,
25 by January 1, 2016, for the institution to be eligible for Title 38
26 awards for the academic year of 2015–16, or 2016–17, or both.

27 (ii) The institution shall obtain and provide evidence to
28 CSAAVE of accreditation from the accrediting agency with which
29 it had candidacy or preaccreditation status by January 1, 2017, for
30 the institution to be eligible for Title 38 awards for the academic
31 year of 2017–18, and each academic year thereafter.

32 (B) If an unaccredited degree-granting institution participating
33 in the Title 38 award program fails to satisfy the accreditation
34 requirements provided in clause (i) of subparagraph (A), a veteran
35 enrolled in a degree program offered by the institution prior to
36 January 1, 2016, shall remain eligible for Title 38 awards through
37 his or her completion of that degree program. If an unaccredited
38 degree-granting institution participating in the Title 38 award
39 program fails to satisfy the accreditation requirements provided
40 in clause (ii) of subparagraph (A), a veteran enrolled in a degree

1 program offered by the institution prior to January 1, 2017, shall
2 remain eligible for Title 38 awards through his or her completion
3 of that degree program.

4 (C) An unaccredited degree-granting institution that does not
5 satisfy the accreditation requirements provided in clause (i) of
6 subparagraph (A), shall not enroll any new Title 38 eligible
7 students to any of its degree programs after January 1, 2016. An
8 unaccredited degree granting institution that does not satisfy the
9 accreditation requirements provided in clause (ii) of subparagraph
10 (A), shall not enroll any new Title 38 students to any of its degree
11 programs after January 1, 2017, without first providing these
12 prospective students with the following written disclosure:
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14 “If you choose to attend this institution, you will not be eligible
15 to receive a Title 38 award because this institution did not satisfy
16 one or more of the accreditation requirements to receive Title 38
17 awards.”
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19 (D) *An institution that obtains and provides evidence to CSAAVE*
20 *of accreditation from the Committee of Bar Examiners pursuant*
21 *to Sections 6046.7 and 6060.6 of the Business and Professions*
22 *Code does not have to comply with subparagraphs (A), (B), and*
23 *(C).*

24 (4) The institution shall be one of the following to be eligible
25 for Title 38 awards:

26 (A) A campus of the California Community Colleges, the
27 California State University, or the University of California.

28 (B) An independent institution of higher education, as defined
29 in subdivision (b) of Section 66010.

30 (C) (i) For purposes of the 2015–16 award year, a private
31 postsecondary educational institution, as defined in Section 94858.

32 (ii) For purposes of the 2016–17 award year, and every award
33 year thereafter, a private postsecondary educational institution, as
34 defined in Section 94858, that has an approval to operate from the
35 Bureau for Private Postsecondary Education, is subject to the
36 regulatory oversight and enforcement of student protections
37 provided by the bureau, and has its approval to operate certified
38 by CSAAVE.

1 (D) ~~(i)~~—An institution described in subdivision (i) of Section
2 94874 that satisfies all of the requirements provided in Section
3 94947.

4 ~~(ii) This subparagraph shall become operative only if Senate~~
5 ~~Bill 1247 of the 2013–14 Regular Session is enacted and adds~~
6 ~~Section 94947 to this code.~~

7 (E) *An institution that is accredited by the Committee of Bar*
8 *Examiners pursuant to Sections 6046.7 and 6060.7 of the Business*
9 *and Professions Code.*

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